
Public Notice

Applicant:
Richard C. Peplin, Jr.

Date:
Published:
Expires:

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District CELRB-CO-R RE: 98-473-0017(2) Section: OH 10 and 404

**Application for Permit under Authority of
Section 10 of the Rivers and Harbors Act of 1899 and
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Mr. Richard C. Peplin, Jr., 28900 Lake Road, Bay Village, Ohio 44140, has applied for a Department of the Army permit to construct a "T" shaped steel framed crib pier and a 120 linear foot curved armor stone breakwater in Lake Erie, at 28900 Lake Road, Bay Village, Cuyahoga County, Ohio.

The project consists of the following:

- a. The shore parallel section (top of the "T") will consist of thirteen 15 foot long by 18 foot wide cells. The interior cells will have three compartments, two outer 7 foot wide compartments filled with 1-2 ton armor stone and one 4 foot wide compartment filled with 12-24 inch stone for dampening of wave energy. The breakwater will be capped with a one foot thick concrete slab.
- b. The base of the pier consists of a breakwater section that incorporates eleven 10 foot by 8 foot cells filled with 1/2-1 ton stone and two 20 foot long open spans. This section is designed to limit sediment accretion in the breakwater's lee, provide for the free flow of water past the structure and sediment flushing through the openings during storm events. The openings will be spanned by steel framed walkways.
- c. The curved armor stone breakwater extends from the east property line toward the center of the property. The breakwater will be constructed of 3-5 ton stones and consist of a bottom course of two armor stones and a top course of one armor stone. A small amount of unauthorized armor stone has been allowed to stay in the water. It is anticipated that this armor stone will be removed or incorporated into the proposed curved breakwater.

Additionally, two shorewalls were constructed to comply with a Corps of Engineers enforcement action involving the removal of fill materials placed below ordinary high water (OHW) without authorization. The applicant was required to remove the materials placed below OHW and to stabilize the regraded slope. The referenced shorewalls are bank stablization that resulted from this enforcement action. These shorewalls are situated above OHW and not subject to Corps of Engineers jurisdiction. The applicant's stated purpose is to

create a sheltered area for safe dockage of watercraft, to provide safe access to navigable waters for boats requiring approximately 6.5

feet of water depth, and to protect the upland property from wave generated erosion.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Michael G. Kirst, who can be contacted by calling (716) 879-4330, or by e-mail at: Michael.G.Kirst@usace.army.mil

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, and should be marked to the attention of Michael G. Kirst, or by e-mail at: Michael.G.Kirst@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess

impacts on endangered species, historic properties,

water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.